

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

HENRY REYES CHAVEZ,

Plaintiff,

v.

Civ. No. 08-0696 BB/RHS

WACKENHUT CORRECTIONS CORP., et al.,

Defendants.

**ORDER DENYING AS MOOT PLAINTIFF'S  
MOTION FOR RETURN OF LEGAL MATERIAL**

THIS MATTER is before the Court in consideration of Plaintiff's Notice to the Court of Inability to Adequately Access the Court (construed as Plaintiff's "Motion for Return of Legal Material"), filed January 25, 2011 [**Doc. 125**]. In his motion, Plaintiff alleges that "LCCF officials confiscated all of Plaintiff's property including legal files and paperwork . . . in violation of not only their own policies and procedures and Plaintiff's right to access the Courts . . . but also a settlement agreement . . . between Plaintiff and . . . Defendant Wackenhut, Williams and LCCF." (Motion for Return of Legal Material at 1-2 ¶¶ 2, 4). Plaintiff seeks an order directing Defendants Wackenhut and Joe Williams to immediately return his legal material.

In their response, Defendants Wackenhut and Williams assert that "Plaintiff's documents were returned to him on February 2, 2011." (Certain Defendants' Response to Plaintiff's Motion for Return of Legal Material at 2 ¶ 3, filed Feb. 3, 2011 [**Doc. 127**]). Plaintiff does not dispute Defendants' assertion that Plaintiff's legal material has been returned to him. See D.N.M.LR-Civ. 7.1(b) (noting that a party's failure to file a reply "within the time prescribed for doing so constitutes consent that briefing on the motion is complete"). Accordingly, the Court concludes that Plaintiff's Motion for Return of Legal Material should be denied as moot.

**WHEREFORE**, .

**IT IS ORDERED** that Plaintiff's Notice to the Court of Inability to Adequately Access the Court ("Motion for Return of Legal Material") [Doc. 125] is **denied as moot**.

Robert Hayes Scott  
ROBERT HAYES SCOTT  
UNITED STATES MAGISTRATE JUDGE